

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Application of
THE DEPOSIT GUARANTEE FUND
(UKRAINE),

For an Order Pursuant to 28 U.S.C. § 1782 to
Conduct Discovery for Use in Foreign
Proceedings

ANALISA TORRES, District Judge:

On February 23, 2021, Applicant, The Deposit Guarantee Fund (Ukraine), submitted an *ex parte* petition for an order pursuant to 28 U.S.C. § 1782(a) to obtain discovery for use in a contemplated civil proceeding in the High Court of Justice, Business and Property Courts of England and Wales, Insolvency and Companies List (Chancery Division). ECF No. 1. On April 21, 2021, the Court granted Applicant permission to serve subpoenas on: Citibank, N.A.; The Bank of New York Mellon; Société Générale, New York; HSBC Bank USA, N.A.; BNP Paribas USA; JPMorgan Chase Bank, N.A.; Barclays Bank PLC; Deutsche Bank Trust Co. Americas; Bank of Nova Scotia; UBS AG; Bank of America, N.A.; Standard Chartered Bank US; Commerzbank AG US; Bank of China, New York Branch; Wells Fargo Bank, N.A., and The Clearing House Payments Company LLC (together, “Respondents”). April Order, ECF No. 7. Applicant now seeks leave to serve additional subpoenas on Respondents. ECF No. 14.

An applicant seeking disclosure under § 1782 must satisfy the requirements of the statute. April Order at 1–2. If it does, the Court then exercises its discretion in light of several pertinent factors to determine whether and to what extent disclosure should be granted. *Id.* at 2. Applicant satisfies all statutory factors with respect to the present application for the reasons set forth in the April Order. *Id.* at 2–3. The four discretionary factors also weigh in favor of granting the

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/17/2021

21 Misc. 203 (AT)

ORDER

present application for the same reasons already discussed in the April Order. *Id.* at 3–4; *see also In re Application of Chevron Corp.*, 736 F. Supp. 2d 773, 779–80 (S.D.N.Y. 2010).

Accordingly, the motion is GRANTED.

The Clerk of Court is directed to terminate the motion at ECF No. 14.

SO ORDERED.

Dated: December 17, 2021
New York, New York



ANALISA TORRES
United States District Judge